

REMARKS

A. Request for Reconsideration

Applicant's undersigned attorney wishes to thank the Examiner for the courtesy exchanged during the interview of November 5, 2010. Applicant's undersigned attorney also wishes to thank the Examiner for providing, for applicant's convenience, the fillers and contents taught by the combination of Underwood, Emmet and Cernac.

Applicant has carefully considered the matters raised by the Examiner in the Final Office Action and noted in the Advisory Action. Applicant respectfully requests reconsideration of the Examiner's position based on the following amendments to the claims and remarks.

B. Claim Status

Claims 4-5, 7, 9 and 10 are pending in the application.

Claims 4 and 7 are amended to require the elastomeric resin in the amount of about 105% to 500%, and the microsilica in the amount of 255% to 400%. The amendment is supported by the application as they fall within the originally claimed ranges. Dependent claim 5 has been amended to conform to independent

claim 4, and claim 6 has been cancelled without prejudice.

C. Obviousness-Type Double Patenting Rejection

Claims 4-7 and 9-10 had been provisionally rejected as being obvious in view of claims 1-8 of copending Application No. 11/718,590.

Applicant requests that the Examiner hold this obviousness-type double patenting rejection in abeyance until this case is ready for allowance.

D. Claim Rejections under 35 USC § 103(a)

The Examiner has maintained the rejection of claims 4-7, 9 and 10 under 35 USC 103(a) as being unpatentable over a combination of Underwood, Emmett, and Cernac.

The presently claimed invention is directed to a method for production of a highly filled elastomeric compound by forming an elastomeric resin with a high filler content and by adding a microsilica to it (e.g., page 2, lines 20-24).

The advantages of the presently claimed method are the unexpected properties of low viscosity and good processability

of the highly filled elastomeric compounds (e.g., page 3, lines 16-19). It is well known in the art that elastomeric compounds with high filler loadings have increased compound viscosity which leads to poor processability and scorch safety (e.g., page 1, line 8-19).

The presently claimed invention, as amended herein, solves this processability problem by adding microsilica to a highly loaded elastomeric compound. Independent claims 4 and 7, as amended herein, are directed to highly filled elastomeric resin in the amount of 105-500% and added microsilica in the amount of 255-400%. Dependent claim 5 has been amended to conform to independent claim 4. The claims as amended herein now fall outside the range as taught by the combination of Underwood, Emmet and Cernac:

In view of the amendments, reconsideration and withdrawal of this ground of rejection is respectfully requested.

E. Timeliness of Response

Applicant hereby petitions for a one-month Extension of Time within which to file a Response and the fee associated with this Extension is paid concurrently. It should be noted that

the time for filing the response expired on Sunday, November 21, 2010. Thus, filing the Response today, Monday November 22, 2010, is deemed to be within the one-month extension time.

F. Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit account #02-2275.

Respectfully submitted,

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